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LEE J. GARY
W. F. DESMOND
J. M. PARKER
C. H. BASSETT
J. T. CULLINAN

April 1, 1948.

Frost Company,
Kenosha,
Wisconsin.

Attention: Mr. M. C. Frost.

Re: Closet Flush Elbow

Dear Mr. Frost:

We have examined the blue print 642-IA which accompanied your letter of March 29.

It is substantially impossible for us to state categorically that the device illustrated in the blue print is or is not patentable. We suspect, as do you, that the expedient used is old and consequently would not be patentable on the ground of its lack of novelty. However, you, being far more familiar with the plumbing trade than are we, will be much better informed as to the novelty of such a device.

Our only method of attack would be to search the patent records in Washington. As you might realize if the field of search could be narrowed, the question could be resolved quickly and inexpensively. Conversely, if it is necessary to search the field broadly, a considerable task is involved.

Accordingly the simplest approach would be for you to secure more information about the suspected patent. If the name of the inventor can be obtained, the patent number, or the company's name who may own the patent, we can normally locate the patent very quickly. If none of these identifying matters are known it would be necessary for our Washington associate to examine the appropriate classes in the Patent Office and try to locate the patent in this manner. This involves as you may know going through hundreds of patents and is a time consuming and expensive operation.

Another approach which we may make is to have a more or less extended novelty search made with the hope of developing an expired patent which would show a structure so similar to the one which you market that the possibility of a patent having been issued subsequent to the patent which we may develop would be remote. We would then be

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Mr. M. C. Frost

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assured that the existence of an unexpired patent covering your structure would be remote.

As mentioned above, we strongly suspect that the structure is old but with the information presently available to us this is purely a guess. If you wish us to proceed along some of the lines suggested above, kindly advise. We would recommend, however, that you make further efforts to obtain some information upon the patent which you mentioned in your letter.

Very truly yours,

A handwritten signature in cursive script, reading "Lee J. Gary". The signature is written in dark ink and is positioned to the right of the typed name "Lee J. Gary".

WFD/A